

IN RE: PETITION FOR ZONING VARIANCE
NE/Corner North Point Blvd.
and Old Battle Grove Road
(3954 North Point Blvd.)
15th Election District
7th Councilmanic District
McDonalds Corporation
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 88-532-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 53 parking spaces in lieu of the required 88 spaces, a front setback of 32 feet in lieu of the required 50 feet, and a side setback of 24 feet in lieu of the required 30 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Peter Freitag, Construction Manager for McDonalds Corporation; and, R. Rodman Mann, President, and Clarence L. Combs, Operation Manager, with G & M Foods Corporation, Lessee of the subject property, appeared, testified and were represented by Robert W. Cannon, Esquire. Also appearing on behalf of the Petition was Tony Cortea of STV Lyons Associates. There were no Protestants.

Testimony indicated that the subject property, known as 3954 North Point Boulevard, zoned B.R.-C.S.1, is currently improved with a McDonalds fast-food restaurant. The Petitioner proposes improving the existing property by constructing an additional drive-thru window, a vestibule area, and a front dining room, all as depicted in Petitioner's Exhibit 1. Testimony indicated that the proposed improvements will provide greater comfort for and increase the level of service to its customers. Mr. Mann testified that one of the reasons for the proposed dining room addition is to provide a greater distinction between the smoking and non-

smoking sections and to provide additional space for upgrading the existing restroom facilities.

Testimony presented by the witnesses indicated that the operation at this site has a substantially high number of walk-in and drive-thru customers. Mr. Combs testified that as a result of studies performed by McDonalds, it appears that approximately 53% to 55% of their business is drive-thru. With the addition of the second drive-thru window, it is expected that their business will increase by 6% to 8%. Studies indicate that the walk-in business at this location is 5% to 5%. Both Mr. Combs and Mr. Mann are at the site on a regular basis at various hours of the day. They testified that currently during peak hours of the day, generally not more than 30 of the 53 parking spaces provided are used. The additional dining room area will increase the seating capacity by about 35%. As a result of the additional seating, it is expected that the eat-in business will increase by 5% to 8%, which the current number of parking spaces could easily accommodate. Testimony indicated that the peak hours of operation are during the lunch period between the hours of 11:45 AM to 12:45 PM. Mr. Mann testified that to require strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship upon the Petitioner. The Petitioner contends that the requested variance will not be detrimental to the health, safety, and general welfare of the public.

The Petitioner seeks relief from Sections 409.6A2 (formerly 409.2(b)(3)) and 238.1, pursuant to Section 307 of the B.C.Z.R. The subject parking regulations were amended by Baltimore County Council Bill No. 26-88 effective May 26, 1988. While the requirements in this case were not modified, the controlling provision has changed.

-3-

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of August, 1988 that the Petition for Zoning Variance to permit 53 parking spaces in lieu of the required 88 spaces, a front setback of 32 feet in lieu of the required 50 feet, and a side setback of 24 feet in lieu of the required 30 feet, as more particularly described in Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

-3-

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall comply with the Zoning Plans Advisory Committee comments of the Department of Traffic Engineering as set forth in their letter dated May 19, 1988, a copy of which is attached hereto and made a part hereof.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3833

J. Robert Haines
Zoning Commissioner

August 25, 1988

Robert W. Cannon, Esquire
Weinberg and Green
100 S. Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE
NE/Corner North Point Boulevard and Old Battle Grove Road
(3954 North Point Boulevard)
15th Election District - 7th Councilmanic District
McDonalds Corporation - Petitioner
Case No. 88-532-A

Dear Mr. Cannon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs
cc: People's Counsel

File

RE: PETITION FOR VARIANCE
NE Corner North Point Blvd. &
Old Battle Grove Rd. (3954 North
Point Blvd.), 15th District
McDONALD'S CORPORATION,
Petitioner

: BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-532-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 13th day of June, 1988, a copy of the foregoing Entry of Appearance was mailed to Robert W. Cannon, Esquire, Weinberg and Green, 100 S. Charles St., Baltimore, MD 21201, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2(b)(3) of the B.C.Z.R. to permit 53 parking spaces in lieu of the required 88 spaces, and from Section 238.1 of the B.C.Z.R. to permit a front setback of 32 ft. in lieu of the required 50 ft. and a side setback of 24 ft. in lieu of the required 30 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Petitioner is proposing to add an additional window to the existing Drive-Thru Booth, vestibules and a front dining room addition to the existing McDonald's fast food restaurant, all as more particularly described on the plat accompanying this Petition. Grant of the variance is in harmony with the spirit and intent of the zoning regulations, and would not result in substantial injury to public health, safety and general welfare. Denial of Petitioner's request would cause practical difficulty and unreasonable hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

GRANTOR/PETITIONER Lessee:	Legal Owner(s):
R. Rodman Mann (Type or Print Name)	McDonald's Corporation (Type or Print Name)
<i>R. Rodman Mann</i> Signature	<i>Robert W. Cannon</i> Signature
G&M Foods Corporation (Type or Print Name)	Signature (Type or Print Name)
21 Eocoma Drive Address	(Type or Print Name)
Arnold, Maryland 21012 City and State	Signature
Attorney for Petitioner:	
Robert W. Cannon (Type or Print Name)	3015 Williams Avenue (703) 698-5000 Address Phone No.
<i>Robert W. Cannon</i> Signature	Fairfax, Virginia 22031 City and State
Weinberg and Green 100 South Charles Street Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Baltimore, Maryland 21201 City and State	Robert W. Cannon, Esquire Weinberg and Green 100 South Charles Street Baltimore, Maryland 21201 (301) 332-8816 Address Phone No.
Attorney's Telephone No.: (301) 332-8816	

ORDERED By the Zoning Commissioner of Baltimore County, this 26th day of July, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 12th day of July, 1988, at 11:30 o'clock A.M.

(over)

J. Robert Haines
Zoning Commissioner of Baltimore County.

LEGAL DESCRIPTION

Property Description for 3954 North Point Boulevard, Baltimore, Md.

Beginning for the same at a pipe set at the point formed by the intersection of the northeast side of Old Battle Grove Road, varying in width, and the northeast side of North Point Boulevard, 150 feet wide, all as shown on State Roads Commission of Maryland right of way Plat No. 4963 recorded among the land records of Baltimore County; said point of beginning being a point on the first line of the first parcel of land conveyed by Stanley Noplock, et. al., to Hudson Land and Building Corporation by deed dated August 18, 1984 and recorded among the land records of Baltimore County in Liber 4346, page 509 and running thence binding on the northeast side of said North Point Boulevard and part of the first line of the first parcel of land described in said deed, thence situate, north 29°-06'-20" west 92.39 feet to a pipe; thence binding on the northeast side of the second line of the first parcel of land described in said deed and in part on part of the second line of the second parcel of land described in said deed in all north 42°-35'-22" east 130.00 feet to a pipe set; thence for a new line of division south 43°-31'-10" east 243.73 feet to a pipe set in the Macadam Road known as Old Battle Grove Road thence binding on part of the first line of the second parcel of land described in said deed to the end thereof south 42°-37'-28" west 38.43 feet to a pipe set in said Macadam Road; thence binding on the northeast side of said North Point Boulevard, 30 feet wide, and binding on the fourth and fifth lines respectively of the first parcel of land described in said deed the two following courses and distances namely (1) by line curving to the right with a radius of 108.5 feet the distance of 96.27 feet which arc is subtended by a cord bearing south 67°-50'-40" west to a pipe and (2) north 86°-14'-25" west 102.12 feet to a pipe set at a bend in said Battle Grove Road and thence binding on the northeast side of Battle Grove Road and on State Roads Commission of Maryland right-of-way Plat No. 4963 north 32°-20'-16" west 36.25 feet to the place of beginning.

Containing .958 acres of land, more or less.

tg/969C

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 4/25/88
Posted for: McDonald's Corporation
Petitioner: NE Leon N. Pt. Blvd. & Old Battle Grove Rd.
Location of property: 3954 N. Pt. Blvd.
Location of Sign: 15th E. Northway, on property of Petitioner
Remarks: None
Posted by: J. Robert Haines Date of return: 7/1/88
Number of Signs: 1

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 16, 1988
THIS IS TO CERTIFY, that the annexed advertisement published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 16, 1988

THE JEFFERSONIAN,

S. Zafe Orman
Publisher

\$37.50

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance Case Number: 88-532-A
NEC Northpoint Blvd. and Old Battle Grove Road (3954 Northpoint Blvd.) 15th Election District
7th Councilmanic District
Petitioner(s): McDonald's Corporation
Hearing Date: Tuesday, July 12, 1988 at 10:30 a.m.
Variance to permit 53 parking spaces in lieu of the required 88 spaces, to permit a front setback of 32 ft. in lieu of the required 50 ft. and a side setback of 24 ft. in lieu of the required 30 ft.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
6211 June 16,

CERTIFICATE OF PUBLICATION
Office of
THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21221
JUNE 16, 1988

THIS IS TO CERTIFY, that the annexed advertisement of

PO# 01117 REQ# M15009 TO ADVERTISE PETITION FOR ZONING VARIANCE CASE NUMBER 88-532-A NEC NORTHPOINT BLVD. & OLD BATTLE GROVE RD. (3954 NORTHPOINT BLVD.) 15th E.D. 7th COUNCILMANIC PETITIONERS MC DONALDS CORP. HEARING SCHEDULED TUES JULY 12, 1988 at 10:30am 84 lines at \$46.20

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for one

successive week(s) before the 17th day of June 1988.

that is to say, the same was inserted in the issues of 6/16/ 1988

The Avenue Inc.

per publisher

By J. Cannon

Notice Of Hearing
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance Case Number: 88-532-A
NEC Northpoint Blvd. and Old Battle Grove Road (3954 Northpoint Blvd.) 15th Election District
7th Councilmanic District
Petitioner(s): McDonald's Corporation
Hearing Date: Tuesday, July 12, 1988 at 10:30 a.m.
Variance to permit 53 parking spaces in lieu of the required 88 spaces, to permit a front setback of 32 ft. in lieu of the required 50 ft. and a side setback of 24 ft. in lieu of the required 30 ft.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FIN. & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 50473

DATE 4-7-88 ACCOUNT R-01-615-000

AMOUNT \$ 100.00

RECEIVED FROM A. E. M. Food Corp.
McDonald's 3954 North Point Blvd. Item # 373
FOR McDonald's Zoning Variance Filing Fee

B 0025*****71000018 0074F
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
26th day of April, 1988.

Petitioner: McDonald's Corporation
Petitioner's Attorney: Robert W. Cannon, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND
OFFICE OF FIN. & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 52710

DATE 7/12/88 ACCOUNT R-01-615-000

AMOUNT \$ 98.70

RECEIVED FROM McDonald's (A-E-M Food Corp.)
3954 North Point Blvd. Item # 373
FOR Posting of Sign 7/12/88

B 0016*****00700018 0074F
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: June 30/1988

R. Rodman Mann
G & M Food Corporation
21 Pocono Drive
Arnold, Maryland 21012

Re: Petition for Zoning Variance
CASE NUMBER: 88-532-A
NEC Northpoint Blvd. and Old Battle Grove Road
(3954 Northpoint Blvd.)
15th Election District - 7th Councilmanic
Petitioner(s): McDonald's Corporation
HEARING SCHEDULED: TUESDAY, JULY 12, 1988 at 10:30 a.m.

Dear Mr. Mann:

Please be advised that 498.70 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs
cc: Robert W. Cannon, Esq.
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

May 16, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-532-A
NEC Northpoint Blvd. and Old Battle Grove Road
(3954 Northpoint Blvd.)
15th Election District - 7th Councilmanic
Petitioner(s): McDonald's Corporation
HEARING SCHEDULED: TUESDAY, JULY 12, 1988 at 10:30 a.m.

Variance to permit 53 parking spaces in lieu of the required 88 spaces, to permit a front setback of 32 ft. in lieu of the required 50 ft. and a side setback of 24 ft. in lieu of the required 30 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: R. Rodman Mann
Robert W. Cannon, Esq.
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 28, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Robert W. Cannon, Esquire
Seiberg and Green
100 South Charles Street
Baltimore, Maryland 21201

RE: Item No. 373 - Case No. 88-532-A
Petitioner: McDonald's Corporation
Petition for Zoning Variance

Dear Mr. Cannon:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354

May 19, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 373 - ZAC -
Property Owner:
Location:
Existing Zoning:

Meeting of April 26, 1988
McDonald's Corp.
NEC Northpoint Blvd. and Old Battle
Grove Road
B.R. & G.S.-1

Dear Mr. Haines:

One Way/Do Not Enter signs should be installed and maintained to regulate the one-way flow patterns indicated on the site plan to reduce conflicts of flow and improve circulation.

Very truly yours,

Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pml-b

RECEIVED
MAY 23 1988
ZONING OFFICE

MDOT
Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

April 28, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
ATT: James Dyer

RE: Baltimore County
McDonald's Corporation
Zoning Meeting 4/26/88
N/E/C of North Point
Boulevard
Maryland Route 151
and Old Battle Grove Road
Item No. 373

Dear Mr. Haines:

After reviewing the submittal of a variance to permit 53 parking spaces in lieu of the required 88 spaces, the State Highway Administration-Bureau of Engineering Access Permits finds the site plan generally acceptable.

If you have any questions, contact Larry Brocato of this office (333-1350).

Very truly yours,

Ernest J. Mills, Jr.
Ernest J. Mills, Jr.
Chief-Bureau of Engineering
Access Permits

LB/es

cc: J. Ogle

RECEIVED
MAY 2 1988
ZONING OFFICE

My telephone number is (301) 333-1350.
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-300-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Fire Department
Towson, Maryland 21204-2538
494-4500

Paul H. Reincke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

May 12, 1988



Re: Property Owner: McDonald's Corp./Lessee: R. Rodman Mann -
G & M Food Corp.
Location: NE/c Northpoint Blvd. and Old Battle Grove Road
Item No.: 373 Zoning Agenda: Meeting of 4/26/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: _____
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
FROM: P. David Fields, Director, Office of Planning and Zoning
SUBJECT: Zoning Petitions #89-531-A 88-532-A
Date: June 8, 1988

There are no comprehensive planning factors requiring comment on these petitions.

P. David Fields per J. G. Hoswell
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning File

cc: Robert W. Cannon, Esquire

CPS-008

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204
Zoning Item # 373, Zoning Advisory Committee Meeting of April 26, 1988
Property Owner: McDonald's Corp.
Location: NE/c Northpoint Blvd. and Old Battle Grove Rd. District 15
Water Supply: meter Sewage Disposal: meter
Date: 4/25/88

- COMMENTS ARE AS FOLLOWS:
- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
 - () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
 - () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
 - () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
 - () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
 - () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
 - () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Material and Child Health.
 - () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
 - () Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3769, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
 - () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3769.
 - () Soil percolation tests, have been _____, must be _____, conducted.
 - () The results are valid until _____.
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
 - () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
 - () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit applications.
 - () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
 - () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
 - () Others _____

Karen M. Thunberg
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

ENCLOSURE

WEINBERG AND GREEN

ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201

BALTIMORE (301) 332-8982
WASHINGTON AREA 470-7400

WRITER'S DIRECT DIAL NUMBER

April 12, 1988

(301) 332-8982

RECEIVED
APR 13 1988
ZONING OFFICE

14855.11

Mr. John Sullivan
Baltimore County Office
of Zoning
111 W. Chesapeake Avenue
Room 113
Towson, Maryland 21204

Re: Legal Description to Accompany Variance
Request for 3954 Northpoint Boulevard
(Item No. 373)

Dear John:

As we discussed when we met last week to file the variance petition for the above-referenced property, you requested that the property description be amended to add the total acreage for the property. Accordingly, I have enclosed three (3) copies of the legal description which has been revised to reflect the total acreage for the property.

Please feel free to call me if you have any questions or comments concerning the enclosed. Otherwise, I will assume that the petition will go forward and that a hearing date will be scheduled as soon as possible. Thank you for all of your efforts.

Sincerely,
Marc A. Offit
Marc A. Offit

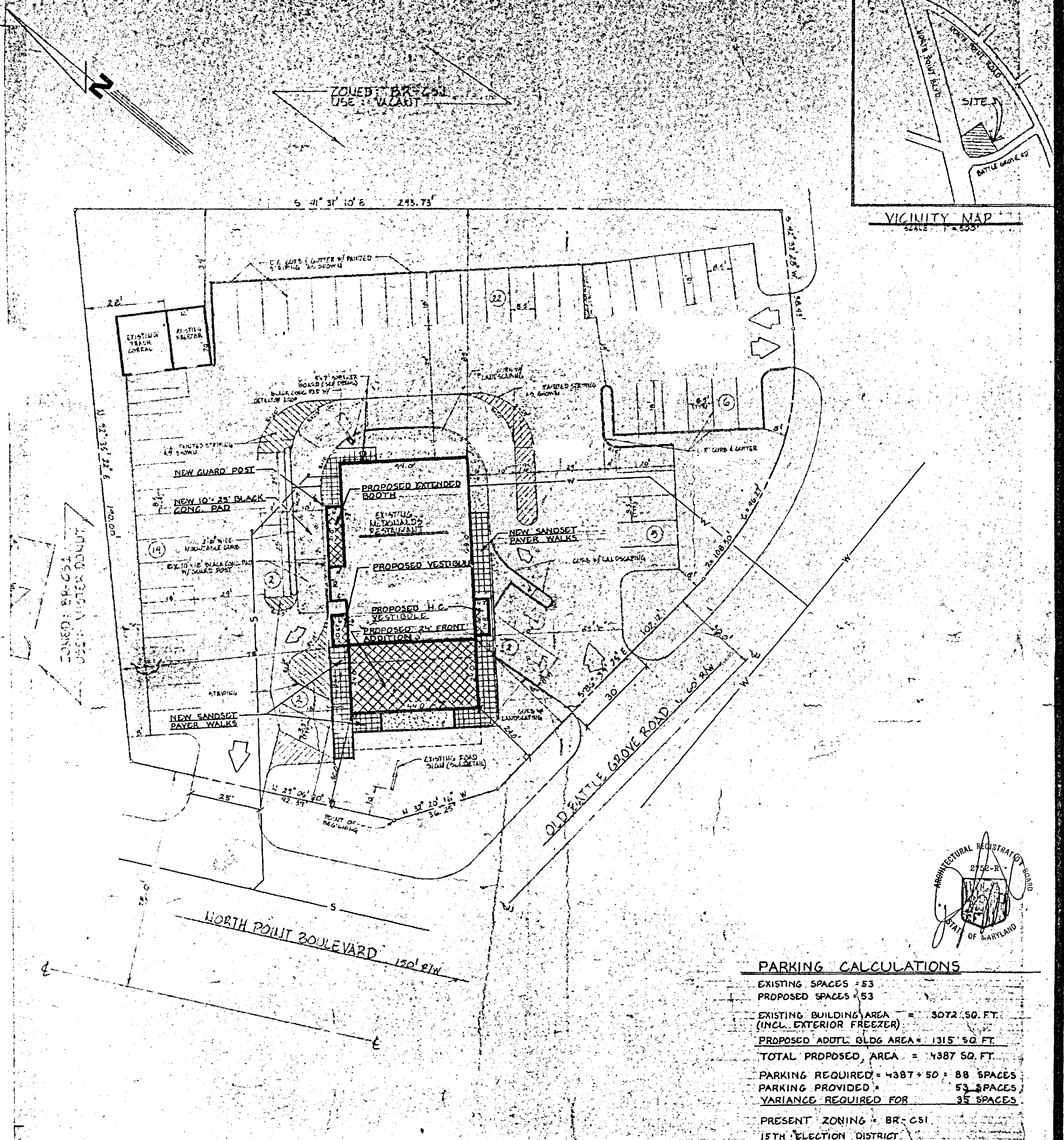
295/bam

Enclosure

cc: Mr. Rod Mann
Robert W. Cannon, Esquire

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Charles F. Haines 432 W. Biddle St. Baltimore, MD 21108
R. Rodman Mann 31 Boone Dr. Annapolis, MD 21402
Tony Cortez 21 GVERNORS ST. BALTIMORE, MD 21207
John A. Brennan 208 W. JONES ST. BALTIMORE, MD 21201
Robert W. Cannon 100 South Charles St. Baltimore, MD 21201



PARKING CALCULATIONS

EXISTING SPACES	53
PROPOSED SPACES	53
EXISTING BUILDING AREA	3072 SQ. FT.
(INCL. EXTERIOR FREEZER)	
PROPOSED ADDTL. BLDG. AREA	1315 SQ. FT.
TOTAL PROPOSED AREA	4387 SQ. FT.
PARKING REQUIRED	4387 ÷ 50 = 88 SPACES
PARKING PROVIDED	53 SPACES
VARIANCE REQUIRED FOR	35 SPACES
PRESENT ZONING	BR-C51
15TH ELECTION DISTRICT	

- GENERAL NOTES:**
- IT IS THE INTENTION OF THE OWNER TO MAINTAIN OPERATION OF THE FACILITY DURING THE CONSTRUCTION PROCESS. GENERAL CONTRACTOR MUST REVIEW CONSTRUCTION SEQUENCE WITH OWNER AND COOPERATE TO FULFILL EXTENT POSSIBLE IN ORDER TO MINIMIZE THE INCONVENIENCE TO PATRONS AND EMPLOYEES.
 - THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS BEFORE SIGHTING RIGS. ANY DISCREPANCIES BETWEEN THESE PLANS AND EXISTING CONDITIONS SHALL BE REPORTED TO THE OWNER.

GENERAL NOTES:

- McDonald's Road Sign and Base are by the Sign Contractor. Conduit and Wiring are by the General Contractor.
- Bases, Anchor Bolts, Conduit, and Wiring for All Other Signs are by the General Contractor.
- 5" Empty Conduit to Locations Shown at the Lot Perimeter for Lot Lighting is by the General Contractor. Lighting Fixtures, Bases, Poles, Conduit, and Wiring are by the Owner/Operator.
- Bases for Flagpoles are by the General Contractor. Anchor Bolts are by the Flagpole Supplier.
- Proposed Utilities are Shown in Schematic Only. Exact Locations shall be Field Determined to Allow for the Most Economical Installation.
- The Contractor shall Coordinate with All Utility Companies to Determine Exact Point of Service Connection at Existing Utility. Refer to the Building Electrical and Plumbing Drawings for Utility Service Entrance Locations, Sizes, and Circuits.
- All Elevations Shown are in Reference to the Benchmark and must be Verified by the General Contractor At Groundbreak.
- Finish Walk and Curb Elevations shall be 6" Above Finish Pavement.
- All Landscape Areas shall be Rough Graded to 6" Below Top of All Walks and Curbs. Finish Grading, Landscaping, and Sprinkler Systems are by the Owner/Operator.
- Any sidewalk, curbing, pavement or landscaping disturbed as a result of building the proposed improvements will be restored to its original condition or to the satisfaction of McDonald's Corp.

PAVING SPECIFICATION:
(Minimum 3" Total Compacted Asphalt Thickness.)

1" ASPHALT WEARING COARSE
2" ASPHALT BASE COARSE
6" CRUSHED ROCK BASE
COMPACTED SUB-GRADE

Note: McDonald's Engineer Reserves The Right To Request A Compaction Test And/Or A Core Sample. If Tests Prove Correct, For Above Specifications. Tests Will Be At The Expense Of McDonald's Otherwise, G.C. Will Be Charged.

LOT LIGHTING RECOMMENDATION:

Note: Electrical Contractor To Circuit Lot Lighting As Noted.

PARKING INFORMATION:

Total Spaces:	53
42 Spaces	3.5' x 15.0' @ 40'
5 Spaces	3.5' x 20.0' @ 90'
2 Spaces	9.0' x 25.0' @ 180'
2 Spaces	3.5' x 13.0' @ 60'

UTILITY INFORMATION:

Sanitary Sewer	AS EXISTING
Water	
Storm Sewer	
Electric	
Gas	

SURVEY INFORMATION:

Prepared By: OTHERS

Dated:

LEGEND:

Sanitary Sewer	S	Gas	G
Water	W	Lot Light	LP-30
Storm Sewer	ST	Existing Elevation	(76.5)
Electric	E	Proposed Elevation	(77.0)

PLAN SCALE: 1" = 20'

STREET ADDRESS:
3955 NORTH POINT BOULEVARD

CITY: BALTIMORE **STATE:** MARYLAND

COUNTY: BALTIMORE

PETITIONER'S EXHIBIT 1

REGIONAL DWG. NO.: 095-19

CORPORATE DWG. NO.: 88-532-A

SP-1